

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

**JESSIE BROWN, CARLOS BROWN,
JEREMY EVANS, VICTOR GARCIA,**
Plaintiffs,

v.

FRAC SPYDER, LLC,
Defendant.

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Case No. MO:23-CV-00182-DC

SCHEDULING ORDER

The scheduling recommendations provided by the parties on April 15, 2024 (Doc. 18) are adopted by the Court. Therefore, the following dates are entered to control the course of this case:

In lieu of a report on alternative dispute solution, the parties are ordered to mediate this case in compliance with Local Rule CV-88 on or before thirty (30) days prior to the date of the final pretrial conference. The parties must also ensure the provider files a notice of outcome in compliance with Local Rule CV-88(g) within five (5) days of the mediation.

1. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by 6/14/2024, and each opposing party shall respond, in writing, by 6/28/2024.

2. The parties shall file all motions to amend or supplement pleadings or to join additional parties by 7/15/2024.

3. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by 8/13/2024. Parties resisting claims for relief shall file their designation testifying experts and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by 9/12/2024. All designations of rebuttal experts shall be designated within fourteen (14) days of receipt of the report of the opposing expert.

4. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within thirty (30) days of receipt of the written report of the expert's proposed testimony, or within thirty (30) days of the expert's deposition, if a deposition is taken, whichever is later.

5. If Plaintiffs do not proceed collectively or if certification is not approved, the parties shall complete all discovery on or before **11/11/2024**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

If certification is approved, opt-ins and related discovery thereon must be completed by, or, on or before, six months after the decision on Certification. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

6. All dispositive motions shall be filed no later than **12/11/2024**. **If Plaintiffs proceed on an individual basis or 30 days after the close of discovery if certification is approved.** Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e).

7. The Final Pretrial Conference for this case is set for **5/15/2025** at 1:30 P.M. The parties shall file their pretrial submissions in accordance with the provisions set out in Local Rule CV-16(e). Pretrial submissions shall also be provided in a USB Flash Drive.

8. This case is set for jury selection/trial on **6/2/2025** at 8:00 A.M.

It is so **ORDERED**.

SIGNED this 16th day of April, 2024.

A handwritten signature in black ink, appearing to read 'David Counts', with a stylized star-like flourish at the end.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE